

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2578 Session of
1992

INTRODUCED BY PITTS, RYAN, PERZEL AND FLICK, MARCH 30, 1992

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MARCH 30, 1992

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," establishing mandatory
4 school attendance or the acquisition of a high school
5 equivalent diploma as a condition to receiving aid for
6 dependent children; granting the Department of Public Welfare
7 the power to enforce these requirements; providing the
8 Department of Education with authority to set standards; and
9 formulating a reporting process for school districts.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Article IV of the act of June 13, 1967 (P.L.31,
13 No.21), known as the Public Welfare Code, is amended by adding a
14 subarticle to read:

15 ARTICLE IV

16 PUBLIC ASSISTANCE

17 * * *

18 (g.1) Minimum School Attendance Requirements

19 Section 461. Legislative Intent.--(a) The General Assembly
20 finds and declares that:

21 (1) As a result of continuing changes in the economy and

therefor the types of jobs available in today's economic climate, education and knowledge skills, including a high school diploma or its equivalent as a minimum educational attainment, are becoming more and more critical to both short-term and long-term prospects for economic independence through employment.

(2) A large percentage of AFDC recipients drop out of secondary school and fail to obtain a high school diploma or its equivalent prior to twenty-one years of age. These include many teenage parents who receive cash assistance through the AFDC program.

(3) Present welfare policy fails to provide any incentive to welfare families to keep their children in school until they receive a high school diploma; in fact, existing policy provides continuing financial support for high school dropouts, with no responsibilities for educational attainment by AFDC recipients.

(b) It is the policy of this Commonwealth to require school attendance as a condition of the receipt of cash assistance under the AFDC program for members of AFDC families, in order to increase the future employability and economic independence of Pennsylvania children presently on the welfare role.

Section 462. Definitions.--As used in this subarticle:

"AFDC" is an acronym for the program which provides aid to families with dependent children under this act.

"Attendance problem" means a situation which arises when a qualified individual has been reported as illegally absent under section 1354 of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code."

"Department" means the Department of Public Welfare of the Commonwealth.

"Full day" means the entire school day as defined by the

1 school board.

2 "Qualified individual" means an individual who receives AFDC
3 payments or a child whose parent or guardian receives AFDC
4 payments, who is eight to eighteen years of age and who has not
5 graduated from school or obtained a certificate of satisfactory
6 completion of a general educational development test.

7 "School" means any public or private school operated pursuant
8 to the act of March 10, 1949 (P.L.30, No.14), known as the
9 "Public School Code of 1949"; any vocational, technical or
10 college affiliated program which satisfies requirements for
11 completion of a high school education program; any program which
12 leads to a certificate of satisfactory completion of a general
13 educational development test; or any home educational program
14 approved by the Department of Education.

15 Section 463. Required School Attendance.--(a) An individual
16 who is an AFDC recipient or is a dependent child of an AFDC
17 recipient shall be required to attend school without any
18 attendance problems as a requirement for continuing eligibility
19 for such AFDC assistance if all of the following apply:

20 (1) The individual is:

21 (i) eight to fourteen years of age in the first full school
22 year after the effective date of this section;

23 (ii) eight to fifteen years of age in the second full school
24 year after the effective date of this section;

25 (iii) eight to sixteen years of age in the third full school
26 year after the effective date of this section;

27 (iv) eight to seventeen years of age in the fourth full
28 school year after the effective date of this section;

29 (v) eight to eighteen years of age in the fifth and each
30 subsequent full school year after the effective date of this

1 section.

2 (2) The individual has not graduated from a public or
3 private high school or obtained a certificate of satisfactory
4 completion of a general educational development test.

5 (3) The individual is not enrolled in a home school program
6 under section 1327.1 of the act of March 10, 1949 (P.L.30,
7 No.14), known as the "Public School Code of 1949."

8 (4) The individual is not legally excused from attending
9 school.

10 (5) The individual is not prohibited from attending school
11 while an expulsion is pending.

12 (6) If the individual was expelled from a school, there is
13 another school available which the individual can attend.

14 (7) The individual does not have good cause for failing to
15 attend school, as set forth in section 464.

16 (b) An individual who fails to meet the requirements of
17 subsection (a) shall be subject to the sanctions specified in
18 section 465.

19 (c) The department may require consent to the release of
20 school attendance records as a condition of eligibility.

21 (d) If an individual required to attend school under
22 subsection (a) is enrolled in a public school, communications
23 between the school district and the department or a county
24 agency concerning the individual's school attendance may only be
25 made by the district's attendance officer as designated under
26 section 1341 of the "Public School Code of 1949."

27 Section 464. Qualified Reasons for Nonattendance.--An AFDC
28 recipient shall not be subject to any sanctions for
29 nonattendance for any one of the following reasons:

30 (1) The qualified individual is a caretaker for a child who

1 is less than ninety days old.

2 (2) The qualified individual requires the use of child care
3 services which are unavailable or unaffordable.

4 (3) Public or private transportation is necessary but is
5 neither available nor affordable.

6 (4) The reasons defined in sections 1329, 1330 and 1417 of
7 the "Public School Code of 1949" and 22 Pa. Code Ch. 11
8 (relating to preliminary provisions).

9 Section 465. Sanctions for Failure to Comply with Mandatory
10 Attendance.--(a) The County Board of Assistance shall review
11 the school attendance of, and maintain attendance records for,
12 every qualified individual subject to its jurisdiction. When the
13 total number of unexcused absences in any one school month
14 exceeds two full days, the County Board of Assistance shall
15 notify the qualified individual of the existence of an
16 attendance problem for that school year and the possible
17 imposition of sanctions under subsection (b). This notification
18 shall be sent by certified mail to the last known address of the
19 qualified individual or the individual's parent or legal
20 guardian, whoever is the primary AFDC recipient within ten days
21 of the review.

22 (b) If, after notification under subsection (a), the County
23 Board of Assistance determines in any subsequent month within
24 the school year that the qualified individual continues to have
25 an attendance problem, the County Board of Assistance shall
26 remove that qualified individual from the formula used to
27 determine the amount of the AFDC grant. The qualified individual
28 shall remain ineligible for AFDC assistance until the attendance
29 problem is resolved.

30 (c) The sanction shall be effective for one payment month

for each month that the qualified individual failed to meet the attendance requirement.

(d) In the case of a dropout, the sanction shall remain in effect until the qualified individual provides written proof from the school district that he or she has re-enrolled and has met the attendance requirement for one month. Any month in which school is "in session" as defined by the school board may be used to meet the attendance requirement. The sanction shall be removed in the next possible payment month.

Section 466. Powers and Duties of Department.--(a) Within ninety days of the effective date of this act, the secretary shall submit to the appropriate Federal agency a request for any and all waivers of Federal law and regulations and for any other approvals by the Federal Government necessary for the implementation of this act for an initial demonstration period of five years. It shall be the obligation of the secretary to enter into good faith negotiations with the appropriate Federal officials and to make every effort to obtain the necessary Federal waivers and approvals.

(b) The department and the County Board of Assistance shall be responsible for making the AFDC eligibility determinations and budget computations necessary for the implementation of the provisions of section 463.

(c) The department shall obtain the necessary school attendance information at the initial eligibility determination and shall review the school attendance information at all subsequent eligibility determination reviews.

(d) The department shall disqualify for AFDC benefits any parent, guardian or otherwise qualified individual who fails to cooperate with or hinders the department in obtaining or

1 reviewing school attendance enrollment information.

2 (e) The department shall provide to each school district, on
3 a monthly basis, a list of all AFDC recipients under nineteen
4 years of age who are residing in the school district.

5 (f) The department shall establish procedures to provide
6 hearings for persons aggrieved by the provisions of this act.
7 These hearings shall be conducted under the provisions of 2
8 Pa.C.S. (relating to administrative law and procedure).

9 (g) On or before September 15 following the first school
10 year of the implementation of this act, and on or before that
11 date in each succeeding year, the department shall provide a
12 report covering the preceding school and fiscal year to the
13 Secretary of the Senate and the Chief Clerk of the House of
14 Representatives for distribution to members of the General
15 Assembly. The report shall provide an evaluation of the
16 effectiveness of this act in meeting its stated purposes. The
17 annual report shall contain, but not be limited to, the
18 following information, provided for each county in this
19 Commonwealth and for the Commonwealth as a whole:

20 (1) The number of AFDC recipients affected by this act who
21 receive a high school diploma or a general equivalency diploma,
22 beginning with the school year preceding the implementation of
23 this act and every year thereafter for the five-year periods.

24 (2) The number of AFDC recipients who continue to receive
25 public assistance as a result of their participation in the
26 education program as defined in section 463, beginning with the
27 first school year of the implementation of this act and every
28 year thereafter for five-year periods.

29 (3) The number of AFDC recipients who become ineligible for
30 AFDC assistance as a result of section 463 during the first year

of implementation of this act and each year thereafter for five-
year periods, together with the average length of time of their
ineligibility and the amounts of Federal and State funds that
would have been spent had these persons remained otherwise
eligible for participation in the AFDC program, and the amount
of State funds for general assistance spent to provide cash
assistance to such persons during each fiscal year.

(4) An overall statement of the progress of the program
during the preceding year, along with recommendation for
improvements.

(h) Within sixty days after the Federal waiver approval, the
department shall promulgate rules and regulations necessary to
effectuate the provisions of this act, except for the provisions
of sections 467 and 468.

(i) The department shall conduct periodic five-year
comprehensive reviews of this program and obtain whatever
Federal waivers or approvals that may be necessary to continue
this program. The program under this subarticle shall not be
terminated except by legislation which repeals or modifies the
program.

Section 467. Powers and Duties of Department of Education.--

(a) The Department of Education, with the approval of the State
Board of Education, shall promulgate rules and regulations to
define minimum standards of attendance required by section 463,
to be implemented by all school districts to ensure meaningful
participation in educational programming leading towards the
attainment of a high school diploma or its equivalent by the
AFDC recipients affected by this program.

(b) In cooperation with the department, the Department of
Education shall provide guidance to local school districts

1 relating to procedures for the efficient reporting of
2 information to county assistance offices as required by section
3 468.

4 (c) The Secretary of Education shall be responsible for
5 providing information and technical assistance to school
6 districts concerning the implementation of model alternative
7 educational programs with proven effectiveness in meeting the
8 educational needs of AFDC recipients affected by this program.

9 Section 468. Powers and Duties of School Districts.--Each
10 school district within this Commonwealth shall be responsible
11 for reporting monthly, to the appropriate county assistance
12 office of the department, the names and other appropriate
13 identifying information of any AFDC recipient who fails to meet
14 the school attendance requirement of section 463. In reporting
15 attendance the school district may not add partial days together
16 to constitute a full day.

17 Section 2. This act shall be applicable from the beginning
18 of the school year following the adoption of this act. The
19 implementation of any provisions of this act requiring
20 authorization by the Federal Government, especially the
21 assurance of Federal matching funds for the AFDC program in this
22 Commonwealth, is contingent upon the receipt and period of
23 effectiveness of such Federal approvals.

24 Section 3. This act shall take effect in 60 days.